



*February 23, 2005*

*Town Hall  
Attn: Roland Bartl  
472 Main Street  
Acton, MA 01720*

*Roland,*

*I thought you might find this article interesting. This is the type of thing I was referring to regarding cross country skiing and snow shoeing. It is an unfortunate situation but a reality for existing golf course in the area.*

*Regards,*

*Ronald B. Peabody*

**Maria Sarcia**

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**From:** NewsBank -- service provider for Boston Globe Archives [bostonglobe@newsbank.com]  
**Sent:** Wednesday, February 23, 2005 12:43 PM  
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**Subject:** Boston Globe Document

## **The Boston Globe**

**Boston Globe, The (MA)**

January 2, 2005

### **WHITEOUT**

### **FEARING LAWSUITS, GOLF COURSES BANNING SLEDDERS FROM SLOPES**

Author: Douglas Belkin Globe Staff

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Last winter Bill Marcotte took his six- and eight-year-old sons sledding at the Merrimack Golf Course in Methuen. But last month, he got the word from a reporter: Don't bring your sleds back here.

That's OK, said Marcotte. "We'll just go in North Andover, where I grew up."

Not at the North Andover Country Club home to some of the best hills in the town. No sledders allowed there either this year.

"What?" Marcotte said. "That stinks."

Across New England a lot of people are muttering the same thing this year as the iconic image of a community sledding together on the first snowy day of winter slowly yields to no-trespassing signs and police shooing children away.

Golf course managers who in many communities steward the best sledding hills in town say they're not happy about having to kick children off their property or post ever-larger "No Trespassing" signs, but they argue a broad confluence of factors have left them no choice.

Insurance rates are up, golf course revenues are down, and development is driving more kids onto fewer

2/23/2005

remaining hills, causing greater damage to fairways and greens.

The result is that every year a few more courses post no-trespassing signs and all those bans are finally reaching critical mass. Sledding in the suburbs a wintertime tradition dating back centuries in some towns is quietly becoming a nostalgic pastime from another era.

"It's a shame; we don't want to do it, but the insurance rates have gotten too high," said George Kattar, who bought the Merrimack Course in Methuen with his brothers 30 years ago but planted a no-trespassing sign on the course for the first time last month. "It's not like we want to be Scrooge, but we have to do this."

The bans on public and private courses alike come as development in Greater Boston has seeped into nearly every available nook and cranny, stealing many of the out-of-the-way hills! children enjoyed a generation ago. For hills that are still open, insurance premiums jumped anywhere from 30 to 100 percent since 2001, said Richard Look, spokesman for Venture Insurance in Pennsylvania, which insures more than 1,000 golf courses across the country.

At the same time, after a boom in the '90s, the golf industry began to slump. While the number of US golf facilities increased 3 percent last year from 2000, the number of rounds played over the same period decreased 5 percent, according to the National Golf Foundation.

The decrease in revenue and increase in expenses has left course managers scrambling to cut costs. Since sledding doesn't add to the bottom line but exposes golf courses to significant risk, courses from New Jersey to Ohio are posting bigger and bolder no-trespassing signs and policing the rules more seriously in the hope of lowering premiums.

At the Indian Ridge Course in Andover, manager Roger Brink last week mailed letters to more than 230 homes in the neighborhoods abutting the course asking residents to please not trespass or sled there. The course has long had a no-sledding policy, he said, but as surrounding courses have become more aggressive, kicking children off more, kids have tried to sneak onto his course.

"We have minivans pulling up here sometimes," he said. "The kids get out; they want to sled, but I can't let them."

Beyond informing neighbors, the letter could help win a court case if someone does get hurt and sues, Brink said.

Massachusetts law limits the liability of towns and cities when people use municipal recreational areas. To win a case, the person must show the community engaged in conduct that shows wanton and reckless disregard for public safety.

But Geoff Beckwith, executive director of the Massachusetts Municipal Association, said a community could still be liable for sledding injuries on a golf course since golf courses are not specifically designed for sledding.

According to the US Consumer Product Safety Commission, in 2000 there were 38,500 sledding-related accidents treated in emergency rooms across the country. In 2002 there were 25,000, and in 2003 there were 30,300. "It depends on how much snow there was that year," said Mark Ross, a spokesman for the commission.

But as people have become quicker to sue, the fear of those lawsuits and the expense of defending against them has jumped markedly, said several attorneys and insurers who specialize in golf course coverage and litigation.

Litigation costs for insurance companies nearly doubled in the last 12 years from \$130 billion in 1990 to \$233 billion in 2002, according to the Insurance Institute of America in New York. A single exorbitant jury award can echo across the industry, said Michael Kraker, a Minnesota attorney.

One such award came in April when a jury ordered the Town of Greenwich, Conn., to pay more than \$6 million to a urological surgeon whose sled slammed into a drainage ditch near the town's civic center. The victim was hospitalized for 12 days and missed five months of work. In the lawsuit, he claimed the town failed to inspect and maintain the uncovered drainage ditch and failed to warn residents of the danger.

Greenwich First Selectman Jim Lash said the town's insurance increased 25 percent and its deductible doubled to \$1 million. After the trial, the community briefly debated banning sledding in Greenwich altogether.

The townwide ban never happened, but risk managers say it's not necessarily a bad idea. The risk of serious back and neck injury from sledding accidents is substantial enough that Girija Trainor, vice president of risk management at Venture Insurance advises every golf course public or private to ban it.

"As a mother I think it's sad that these kids may not have a place to go, but as a risk manager I think [the ban on sledding] only makes sense," she said. "When I pass by kids sledding behind churches or schools, I think, wow, that's really risky."

Perhaps, but it's all ways been risky, counters Walt Lankau, owner of Stow Acres Country Club and past president of the National Golf Course Owners. "But nowadays people sue no matter what. There's no such thing as taking responsibility for yourself. You shouldn't be blaming the golf course owners. You should be going after the lawyers."

The fear of being sued has changed the way golf courses conduct business even in places where there is no snow. In Florida, course managers have installed lightning warnings after a successful lawsuit filed by a golfer struck by lightning on the course, Trainor said. The warning device which sounds like an air raid horn both warns the golfer that lightning is in the area, and serves as a defense that the course made a good-faith effort to protect the golfers if a golfer is struck and decides to sue.

Another Florida course has fenced in canals after a golfer was bitten on the rear end by an alligator on the course. That course settled with the golfer, Trainor said.

In Massachusetts, it's not lightning or alligators that raises blood pressure. It's sledding.

"It's a real sore spot with us," said Wayne LaCroix, course manager at the Andover Country Club, which banned sledding a few years ago after a warning from the club's insurance company. Still, the kids come every snowfall to slide down the second fairway.

"I hate to ban it," said LaCroix, who grew up sledding at Tedesco Country Club in Swampscott, which banned sledding last year. "It's too bad it's come to that."

Not everybody is as worried. Bernie Lynch, Chelmsford's town manager, said the public is welcome to

sled on the community's public course.

"At some point you have to say enough is enough," Lynch said. "If you keep going down this road, eventually you won't let people do anything."

The drawback to sledding on the Chelmsford course? "We really don't have any hills," Lynch said.

Caption:  
PHOTO

Memo:  
GLOBE NORTHWEST 1 /

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## Board

sional and peer support to adults with diabetes. Meets the second Thurs. of every month, 7-8:30 p.m., Keating Conference Room, on the first floor of Baldwin Park 1, 12 Alfred St. Call 781-756-4700.

**Breastfeeding support group:** Winchester Hospital's outpatient Lactation Center holds a weekly Breastfeeding Mothers' Support Group every Wed., 1:30-2:30 p.m., in the first floor Training Lab at Baldwin Park 1, 12 Alfred St. The Lactation Center also offers private consultations and breastfeeding supplies Tues. and Thurs., 2:30-4:30 p.m. Call 781-756-4788.

*Community Bulletin Board items should be sent at least three weeks in advance to Dorinda Novak, Globe North West, 442 Marrett Road, Lexington, MA 02421. Include date, time, location, and phone number.*

# Golf courses, fearing lawsuits, ban sledders

► **SLEDDING**  
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GLOBE STAFF PHOTO/JOANNE RATHKE

Greg Laflamme (left) and John Minihan put up a no-trespassing sign on a hill at the Andover Country Club favored by sledders.

2003 there were 30,300. "It depends on how much snow there was that year," said Mark Ross, a spokesman for the commission. But as people have become quicker to sue, the fear of those lawsuits — and the expense of defending against them — has jumped markedly, said several

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